TUESDAY, JANUARY 28, 1879.

Amusements to-Itay. m Museum-298 Rowery. Matinee. Boott's Theatre Danites. Broadway Theater-King Lear. Fifth Avenue Theatre—Ur. Clyds. Globe Treatre—Unknown. Groud Opera House—The College Bawa. Lyceum Theatre—H. M. S. Pinafore. New York Aquacinim-Cinderella Matines. Niblo's Garden-Hero. Olympic Thoutee-The Trapper's Daughter. Pork I heater-Dot; or, The Cricket on the Hearth

San Francisco Minstreis -Broadway, cor. 29th st Standard Theatre—H. M. S. Pinafore,
Steinway Stall—Grand Combination Concert.
Tony Pastor's Opera Mouse—Variety, 'Matinee. Theatre Comique—Variety.
Union Square Theatre—The Banker's Daughten.
Wallneb's Theatre—Ours.

Advertisements for THE WEEKLY SUN. issued to-morrow morning, must be handed in this evening before six o'clock

#### How They Handle the Money of the People.

Mr. R. B. HAYES, struck by that impotence which is his necessary characteristic as a Fraudulent President, has signed the Pension Arrears bill, and for the first time last extremity if driven to action by public Congress can appreciate what it has done. This law may take from the public purse \$19,000,000, as reckoned by Mr. INGALLS, who steered it through the Senate, \$52,000,000 as estimated by Mr. BENTLEY of the Pension Bureau, or \$100,000,000 as figured by John SHERMAN.

To say that a gratuity bill, whose cost is and a hundred millions, and cannot fall below the former, is run through the House in | causes are to be sent. The right of desig-June with almost as little debate and quite as much winking and joking as the bill for Private HINES's trousers, and then in January is taken up, debated, and run through the Senate within the limits of a single afternoon, on a record of 44 yeas, 4 nays, and 28 not voting, is to show at once the character of Congressional action upon this

The Forty-fourth Congress passed, by majorities as overwhelming, a gratuity bill of bounty equalization, involving an unknown expenditure of scores or hundreds of millions; the House threw the responsibility on the Senate, the Senate threw it on GRANT, and GRANT, promptly accepting it, crushed the measure. Yet the parallel between that and the Pension Arrearage bill has failed in the last stage, for the latter has at last become a law.

This law is founded on the desire to act generously and justly by a class of claimants, some of whom appeal strongly to publie sympathy; and had the legislation undertaken by Congress kept only this in view, that body would not now stand aghast at the tremendous burden which its want of consideration has imposed upon the people. Section 4,709 of the Revised Statutes reads as follows:

"All pensions which have been or which may hereafter be granted in consequence of death, occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person or whose account the claim has been or is hereafter granted. prior title to such pension; provided the application for such pension has been or is hereafter filed with the Com-missioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary

bestablish the same." The law now enacted has simply repealed this five years' proviso. When this section of the law was passed, not quite six years ago, nobody questioned the propriety or justice of affixing some limit of this sort. nor was it deemed anything but liberal to make five years the limit. Nevertheless, applications for pensions have continued to pour in surprisingly during the past half dozen years, and those that have been granted, of course, except by special bills in Congress, have begun to run at the later

date prescribed by the five years' proviso. In some cases the delay of the applicant was undoubtedly not his or her fault. Independently of cases of absence, ignorance of legal rights, or an unwillingness to apply for Government relief until poverty compelled, there were instances of inability to procure the proper evidence for founding the claim. For example, Senator KERNAN said, in debating this bill:

"There was a statute of limitations shorter than exlsts in my State for ordinary debts. A class of pension ers were unable to perfect their claims within the five years prescribed. I have their letters here in my drawer: find the officer to whom to give the certificate that their bushands were dead. That class of cases exists. I am for waiving that statute in such cases, and if I shall ever vote for enforcing it, as I would against some claims, it will be in regard to a different class of claims from

But instead of confining the bill, by amendments and safeguards, as in all ordinary legislation, to those cases where justice or even generosity demanded its operation, the Senate followed the House in opening wide the floodgates, by an absolute repeal of the proviso of 1873. Whatever the reason for delay, all cases were put on the same footing, and now Congress has an enormous de ficit to provide for.

To illustrate this action, it may be noted that one class of disabilities for which pensions have been granted consists of those in which no disability was known to exist until five years or more after it occurred; but then, becoming developed by age or other disease, was traced back to the war. Thus a paralysis, which occurred only last year, was traced back fourteen years to a concus-₹ sion from falling off a horse during the warthough during all the interval no ill effects had been felt. Nevertheless, an amendment reading: "And that no pension for disability shall be granted for any period before the Senate by a vote of 20 yeas to 27 nays, 29

not voting. Such was the spirit in which this bill was . ushed through both Houses, every demagogue in either showing himself shy of doing anything by amendment that might hurt what he calls his record. Now, as a result, we shall probably find efforts to do by supplementary legislation the work of amendment that ought to have been done before the bill

#### was enacted. Matthews Afraid of Investigation.

In order to excuse or to palliate the intentional refusal of the special committee of the Senate to proceed with the investigation of the charges against STANLEY MAT-THEWS, as disclosed by his correspondence with James E. Anderson, it is given out that the testimony of the latter has never been furnished to Mr. ALLISON, the Chairman, as a basis for his action. This statement is wholly, if not wilfully, untrue, as will be shown by Mr. POTTER whenever the issue is joined in a responsible form.

A complete copy of the testimony was sent immediately, in answer to the application at the time, and was delivered so as to be directly traced. Whether a hint was given to lose or misplace it, so that the present pretext might be used for stopping the inquire cannot of course be known to ABTHUR, will be sustained against false ac- | cors announced that they had arrested Ulbrich

foil them.

After the close of the last session, ANDERson was called as a witness by the Senate the letters of STANLEY MATTHEWS, which mittee. He refused to testify, on the distinet ground that MATTHEWS had declined to appear before the House Committee, but offered his testimony, if MATTHEWS would then submit to an examination by Mr. Por-TER. Of course, this proposition was not accepted, and the Committee adjourned with the understanding that it would be called together during the summer at Saratoga.

Mr. Allison issued no call and there was no meeting during the recess, and but one since Congress assembled, and that at the request of the minority, when a motion was made to summon ANDERSON from Nevada, which the Republican majority voted down. Mr. EDMUNDS alone of that side being in the affirmative, and one Democrat absent. All the indications justify the belief that the resolution of STANLEY MATTHEWS asking an investigation was a sham, and that the Republicans on the Committee appointed under it never really intended to do anything but evade their duty, or to whitewash in the

### The Bill to Establish Official Referees.

There are several serious objections to the bill providing for a local system of official referees in this judicial district which has been introduced into the Assembly by Mr. LANGBEIN. It authorizes the appointment guessed at all the way between nineteen of twenty resident lawyers as official referees in this city, to whom all referable nating these gentlemen is to be vested in the Judges who preside over the General Terms, respectively, of the Supreme Court, the Superior Court, the Court of Common Pleas, and the Marine Court. The referees are to be paid by fees, which the bill provides for in considerable detail. These are the chief features of the measure, and in no respect are they any improvement upon existing provisions of law.

The first question that arises in considering this bill is a doubt as to its constitutionality. It assumes to give four Judges in the city of New York the sole power to appoint all referees in this judicial district. Their brethren on the bench, to the number of nineteen in all, are thus to be deprived of the right they have hitherto exercised of appointing referees in referable cases, where the parties themselves do not agree. Possibly this might be permissible in regard to the Marine Court, which exists only by virtue of a statute; but the other courts derive their powers from the Constitution. Section 6 of that instrument, which relates to the judiciary of the State, was adopted in 1869. It provides that "thefe shall be the existing Supreme Court, with general jurisdiction in law and equity," subject to the appellate jurisdiction of the Court of Appeals; and that the Superior Court of the city of New York and the Court of Common Pleas for the city and county of New York " are continued with the powers and jurisdiction they now severally have." When this portion of the Constitution went into effect, the power existed on the part of each Judge of each of these courts to appoint referees in cases which the law allows to be referred. Was not that power inherent in the jurisdiction conferred by the Constitution, and can anything less than a constitutional amendment

But aside from this fundamental question, the proposed method of selecting the official referees is extremely objectionable. We should be glad to see steps taken for the total abolition of judicial patronage, but this proposition preserves the evil system while limiting the number of persons who shall enjoy its privileges. If we are to have Its reservation to the presiding Justices creates a false distinction which is derogatory to the dignity and injurious to the use-

fulness of the other members of each court. The salutary rule that judicial officers should be paid by salaries rather than by fees is disregarded by the provisions which the bill makes for the compensation of the official referees. Instead of receiving a fixed compensation for each day's service, as a referee does under our present statute, they are to be paid small fees for each of a number of different acts which they may be required to perform; as, for example, one dollar for every attendance and adjournment without a hearing, three dollars for taking testimony, five dollars for drawing and executing a referee's deed, and ten cents a folio for necessary copies of testimony. The whole system of compensation, which now has at least the merit of simplicity, would be rendered complicated and cumbersome by the

adoption of this plan. Whatever reform is needed in the prevailing methods of selecting and paying referees, will have to be brought about by a very different measure from that which Mr. LANGBEIN has proposed to the Legislature.

# The New York Nominations.

Aside from the abstract merits of the question involved in the suspension of Collector ARTHUR and the appointment of Mr. MERRITT, and of the personal issue betwee Senator CONKLING and the Fraudulent President, the treacherous conduct of John SHERMAN in making this change has had most to do in deciding the action of the Committee on Commerce adversely to the nomination, as it will have in the rejection, which will surely follow.

If Gen. ARTHUR had been incompetent, dishonest, faithless to duty, or hostile to the policy of the Treasury in the adminissuch disability occurred," was defeated in | tration of his office, so as to thwart it purposely, a good cause would have existed for a change. But no such charge was made when he was superseded. On the contrary, Sherman then voluntarily bore testimony to the excellent qualities of Gen. ARTHUR and in no way intimated the least distrust. He went out of his way to hold friendly personal relations with him, and to express under his own hand sentiments which must have been false at that time if his present

position is in any way justified. When these facts and these letters were confronted with the charges recently made. both from the same source and both contradictory of each other, it did not require any argument for honorable men to determine so plain a case, or any exertion of political or personal influence to insure the complete vindication of the suspended Collector. The worst enemy of Mr. MERRITT is JOHN SHER-MAN, for he has placed him in a false position before the public, and made him the scapegoat of that duplicity and dishonorable dealing which have hitherto been so conspicuous in his career, and notably in consummating the Fraud through which he now directs the great operations of the

Treasury. ' The rejection of Mr. MERRITT will not be a triumph of Senator CONKLING in any other sense than that his personal friend, Gen.

those outside the secrets of the parties con- cusations; but the verdict of the Senate serned. But this trick will not serve the | will put a brand on the brow of John Sherpurpose of its inventors, if exposure can MAN that cannot fail to deepen the disgrace which attaches to his name as the chief conspirator and manager of the iniquity by Committee, on account of his testimony and he himself was rewarded with the department which he now openly runs in the inhe had produced before the Potter Com- terest of pet banks and jobbers, on the basis panions, who are the lesser villains. By watchof Addition, Division, and Silence.

#### Golden Advice.

We are glad that MATT CARPENTER of Wisconsin has been elected to the Senate. He is a brilliant man, and, though a prominent member of the Republican party, he has occasionally shown a remarkable degree of independence. The people like him, because they believe that there is warm, red blood

in his veins. Advice beforehand is something that we do not often proffer to our statesmen; but we think so well of Mr. CARPENTER that we ep out of our ordinary course to suggest him a rule of political conduct which we regard as of very high moment, especially for a whole-souled, strongly-thinking public man. This advice is, Never, under any circumstances, to be led into any attack upon the liberty of the press.

In a country like ours the press is the great conservative power, the bulwark of lemocratic institutions, the final defence of liberty and justice. Our forefathers unterstood this, and the Constitution provides that Congress shall make no law abridging the freedom of the press. This provision is even more important now than it was then; for with the progress of centralization in government, with the ideas of personal rule which have come to be entertained in so many quarters among us, and with the alarming development of corruption and fraud in the highest places of administration, the right of the press to speak loudly and without hesitation, to brand the criminal executive officer, and to denounce every conspiracy against self-government, has now become not merely wholesome and precious, but absolutely indispensable, the only sure corner stone of the Constitution and of the republic.

We say these things frankly to Mr. CAR-PENTER because we believe that he has the ntelligence to understand them and the patriotism to act accordingly; but it would well if every one of our legislators, in Congress and in all our State Capitols, ould appreciate the principle we have laid down, and never speak or vote except in accordance with the advice we have now taken leave to offer to the new Senator from Wis-

Rival candidates may fairly assume that Honest John Sherman will have the support of the First National Bank for President next year.

Although five weeks only remain in which ongress can finish its already much-delayed work, a large number of bills were introduced esterday. Almost all of them were of that suspicious class known as private bills; yet many of them, in the ordinary ourse of legislation, cannot be reached before adjournment. The proceedings of the Senate were enlivened by the swearing n of the veteran General James Shields, who is selected to fill the vacancy in the Missouri enatorship made by Senator Booy's death. Mr. CONKLING introduced the same bill that failed ast session, authorizing the construction of a ew Government Post Office and Court House uilding in Brooklyn, at a maximum expense f half a million dollars. Mr. EDMUNDS pre-

ated a proposal that the Constitution be mended so as to prohibit the payment of claims made by disloyal persons for property destroyed in the war. Mr. HILL, in speaking against the payment of a cotton claim, made an argument in opposition to paying the claims of oyal as well as disloyal persons.

The feature of the proceedings in the House was Mr. WRIGHT's plea for the bill which procitizen who avails himself of the provisions of the Homestead act, and which he transformed into a plea for the workingman. The judicial patronage at all, let it be exercised | bill was lost-22 to 212. Mr. WHITTHORNE by twenty-three Judges rather than by four. sprung upon the House a motion to pass under suspension of the rules a bill appropriating several millions of dollars for the erection of public buildings in many cities, but chiefly the South. Mr. MILLS hotly inquired why Texas was not accorded a building with the rest, and he moved to adjourn, which motion prevailed.

> Col. W. T. THOMPSON of the Savannah News, author of "Major Jones's Courtship," and other humorous sketches of Southern life. is the most prominent candidate for Congress. vice Julian Hartridge, dead. A better man

Congressman Ellsworth burns under the belief that his fellow members who ask for tea, or for Kentucky seasoned milk at the Capitol restaurant, are furnished with cocktails or genuine blue grass whiskey. He has seen a peculiar foam on a "pitcher of milk" that hinted of ale or beer, and men have grown red in the face under its influence. He has accordingly intro-duced a bill prohibiting the sale of intoxicating iquor in the Capitol, and another forbidding its being furnished in the District of Columbia on Sunday. Mr. ELLSWORTH, like many other new members before him, thinks that he can reform the members of Congress; but he will find that his co-laborers are few, and that the harvest is small.

Here is a Congressional investigation near home. Early in the session FERNANDO WOOD, on the floor of the House, accused John I. DAVENPORT of having, by intimidation and false arrests, prevented thousands of residents of New York city from voting. False registration, unlawfully secured naturalization papers, and repeating were Mr. DAVENPORT'S excuses for the alleged threats and the arrests. Mr. Wood in his speech intimated that all this amounted to a conspiracy to cheat the Democratic party out of votes, and that Mr. DAVENPORT himself. instead of the would-be voters, was the violator of law. He asked for the appointment of a ommittee to investigate, and his request was granted. Messrs, LYNDE of Wisconsin and FORNEY of Alabama (Democrats) and Mr. FRYE of Maine (Republican) arrived in this city yesterday, and the investigation is to be begun to-

This is truly embarrassing. It is reported hat SITTING BULL, tired of playing white man with her British Majesty's soldiers over the Canadian line, and having devoured all the game in that region, is about to return, or has returned, to his native scalping grounds, and there is commotion in the uncil wigwam in Washington. If Six-TING BULL is back with blood in his eye, Messrs. Hayes, McCrary, Schurz & Co. must fight him and his fifteen thousand braves. If he returns in humiliation as a prisoner of war, he and the braves must be fed and clothed and given shelter. The Government is not in condition to fight, and has no available money with which to feed and clothe these Indians.

Whenever Congress is inclined to cut off the supplies for the useless Secret Service Department, for which John Sherman insists upon squandering money every year, the announcement is sure to be made that "another well-known counterfeiter has been arrested." It looks as though the department kept a supply of well-known counterfeiters ready for an sergency. Why are so many of them at large and how is it that they escape? If they are well known, why does the Secret Service Department let them loose to prey upon the community? A few days ago the Secret Service offi-

and Cole, "well-known counterfeiters." It will be instructive to watch the result of this arrest, and see whether the accused men are not softly handled. Already the announcement is authorized by the Secret Service officers that they have been obliged "to use ULRICH ! which HAYES was declared President, and for the purpose of capturing the others; and this probably means that ULRICH is to be permitted to escape by testifying against his coming the case, we may see whether the arrests announced with such a flourish are anything

more than a pretence of work for the purpos

of getting an appropriation for a useless de-

partment. January will be gone before the Legislature has done anything, except talk, if the masteriy inactivity that has characterized the first three weeks of the session continues. Bills have been introduced by the score. but not one, if report be true, of the chief committees has met to consider them. There is much to be done in Albany this winter, and public interests demand that it be well done; yet public interests also demand that it be done as speedily as consistent with faithful

The tiff of last week between Brother FULTON and others of the Baptist Ministers' Conference, about the Beast of Prophecy and Dr. Samson, was resumed yesterday and ended in a melancholy way. After a debate, in which "It is false," and styling members untamed beasts," proved whelly powerless to calm the disputants. Brother FULTON took his coat and hat and withdrew from the Conference with a sarenstic "I thank you all, dear brethren, for what you have done." A tinge of the ludicrous is added even to this scene, when we find that at one epoch early the meeting the whole trouble had been settled in the most approved Pickwickian fashion, in order, as was said. to "pour oil upon the troubled waters." But when that was fully done it seemed to occur to the members that they did not believe in pouring or in sprinkling, and that however others might like troubled waters, they wanted no oil theirs. The strife began more furiously than before, and with the result just stated. That unfortunate "Beast of Prophecy" has made much ado in the theological world, in times gone by, and clearly is still a dangerous one to tamper with. Brother FULTON will now perhaps intrench himself in his own pulpit, and thence pour hot shot into the Conference.

#### TAMMANY HALL IN COURT.

Were 147 Caucasian Americans Made Indians in a Single Evening !

For two hours yesterday the chambers of Supreme Court in some degree had the look of the council chamber in the Big Wigwam in Fourteenth street while a powwow of the Tammany Indians is in progress. In the centre of the room sat Augustus Schell, Grand Sachem of the Tammany Indians. Just behind him were Sachems Gumbleton and Diefendorf, and at his right sat ex-Grand Sachem Nelson J. Waterbury. Secretary Joel O. Stevens, Wiskinkie John D. Newman, and ex-Scribe Gunther K. Ackerman sat in a row on the south side of the m. They smiled at the Grand Sachem and frowned at the ex-Grand Sachem. Standing against the opposite wall were Thomas Boesé, John Y. Savage, Maurice J. Power, Fairfax McLaughlin, James J.

tin, Henry Woltman, Michael Tuomey, and other Tammany braves. Scattered about the room were many Tammany and several Democratic politicians, and Col. Spencer and two or three other lawyers well known in Repuban politics. Behind piles of law books and an imposing array of papers tied with red tape, sat the lawyers who were to argue for and against the motion for an order to prevent the Temmany sachems and officers from making warriors and braves of the 147 men who are said to have been elected at a meeting of the society on New Year's eve.

Ex-Judge John K. Porter and Thomas Allison appeared for the independent members of the society, and the Big Chief and his Indians were represented by Aaron J. Vanderpoel and three Tammany warriors, namely: James C. Spencer, John D. Townsend and Frank F. Vander-

Justice Barrett called the case at 1% o'clock. poses to lend \$500 from the Treasury to every | Then Mr. Allison read the complaint of Hubert O. Thompson, and affidavits from Nelson J.

Thompson, and affidavits from Nelson J. aterbury. Hubert O. Thompson, Edward Gurk, Oscar F. Oatman, Caspar C. Chids. ouglas Taylor, John Y. Savage, William Argusmith, Charles B. Cornell, Maurice J. Power, Sin J. Delaney, R. P. Gibson, John Tyler elly, Daniel O'Reilly, H. P. O'Neill, W. M. Olffe, James G. Brinkman, Constantina Donoue, Z. J. Halpine, Washington Hadley and ohn Richardson.

The complaint and affidavit of Wm. Thompon allege that the notice in the Mercantile Journal of the meeting at which the 147 men are said bave been elected members of the Tammany oriety was not such a notice as is prescribed y the by-laws and resolutions of the society, or such as has for many years been given; that he meeting was unlawfully and fraudulently alled, and that the omission to give proper noce of it deprived him and the majority of the society's members from exercising their right by the upon the election of candidates for memership.

All the affidavits aver that for some time no-

All the affidavits aver that for some time noof the society's meetings have been adver-in the Star or the Express; that the depo-s had no notice of the New Year's eve meet-and that the ejection of the 147 men on that was in violation of the rights and interests he members. am Arrowsmith avers that he was told nes Maxwell, a mamber of the

James Maxwell, a member of the society, the New Year's eve meeting was begun bethat the New Year's eve meeting was begin between 5 and 6 o'clock in the afternoon and concluded before 7% o'clock; that more than one person was elected at one time, and that generally one member only voted at the election. Ex-Grand Sachem Neison J. Waterbury adds to this tima his knowledge of the society's election ecremony convinced him that the election of 147 men, if conducted with the deliberation and opportunity to vote usual at an ordinary of opportunity to vote usual at an ordinary ceting, would have pretracted the New Year's emeting, if begun at 75 o'clock, until 3 clock on New Year's morning.
Doughs Taylor, once a sachem, and Caspar Childs, a former secretary of the society, say their affidavits that while they were in office tiess of meetings were published in two daily waspapers.

costices of meetings were published in two daily newspapers.

Oscar F. Oatman and John Y. Savage aver that the \*Mercutille Journal\* is not a newspaper in the usual acceptation of that term; and Edward McGurk says that netice, of the meetings of John S. Dec. 2 and 16, 1878, and of the meetings of John B. Townsend read the affidavits on which the defence of the Tammauv suchems and officers is based. The chies affidavit is that of Joel O. Sievens, the society's secretary. It recites by-laws of the society which say that the secretary shall give public notice of meetings in one or more newspapers printed in this city. Mr. Stevens then says that on the 26th of December last, Grand Sachem Senell was requested by Sachems Keily, Gumbelton, Daniap, and Purroy to call a meeting of the society on the 31st of December, and that the Grand Sachem Sixt of December last, Grand Sachem Schell was requested by Sachems Keily, Gumbelton, Daniap, and Purroy to call a meeting of the society on the 31st of December, and that the Grand Sachem directed him to summon the warriors and Purroy to cain a meeting of the society on the 31st of December, and that the Grand Sashem directed him to summon the warriors and braves to the big wigwam half an hour after the setting of the sun on that day. Mr. Stevens further avers that he published the notice of that meeting in the Mercantie Journal of Dec. 28, and that he selected that journal without dictation or solicitation from any of the sachems or officers. Mr. Stevens next avers that each of the 147 men was voted upon sigly and by more than a quorum of members. Next, in answer to Mr. Waterbury's assertion that so many as 147 members were to his knowledge never elected in any one year prior to the New Year's eve meeting, Mr. Stevens says that the society's records show that 180 members were elected in 1873, 228 in 1875, 159 in 1876, and 186 in 1877, and that of these members 116 were elected at one meeting, 119 at another, and 132 at a third. He adds that there are on the society's membership roll the names of 5,000 persons of whom 1,000 are living.

The thirteen sachems' affidavit was next read. It says that they practised no decent, fraud, nor wrong against any member in calling, noticing, and holding the New Year's eve meeting, and Sachems Thomas Dunlap, Henry A. Gumbleton. Edward Kearney, and Henry D. Purroy aver that they attended the meeting; that the 147 men were fairly and properly elected, and that the meeting was held and conducted in accordance with the society's constitution and by-laws.

An affidavit, signed by 86 of the 147 men said to An amount, signed by soft the 147 men said to have been elected on New Year's eve, avers that they desire to become Tammany braves, because they believe that the society was instituted for pure and loyal purposes. E. W. Everson, an attaché of the Express, made affidavit that the Mercantile Journal is a newspaper.

The reading of the papers over, the argument was begun. It is to be continued to-day.

# Heavy Freight Shipments.

PORT JERVIS. Jan. 27 .- Over one thousand cars of east bound freight and eight hundred cars of coal, were delivered to the Delawars division of the Eric Railrond toolay, the greatest run known. This is owing to the narrow gauge improvement.

# DEPARTMENTS' EXPENDITURES.

Reviving the Discussion at a Meeting of the Board of Apportlemment.

The consideration of the applications for money made by St. Stephen's Home for Children, the American Female Guardian Society, and the Home for Fallen and Friendless Girls provoked a discussion at yesterday's meeting of the Board of Apportionment. Comptroller Kelly said that the question of the disposal of about \$100,000 of Excise money was now in litigation, and until it was decided the only money wailable for charitable purposes was that colected by the Excise Commissioners. The Comnissioners would pay in some money at the end of this month. He therefore recommended that action on the three aplications be postponed.

Mayor Cooper thought that those institutions had a legal claim which must be paid. Mr. Kelly said that some of the institutions came under a law of 1878, which required taxes to be levied for their support. For that purpose

\$10,000 only was put in the budget for 1879. Mayor Cooper replied that the sum had been so divided down that the three institutions would have to wait until next month. He then asked how much money was required to make

Mr. Kelly replied that he could not give the

exact sum. At this point President Mott revived the discussion in relation to a department's expendiure of money after its appropriation has been exhausted, to which last week's meeting of the Board was devoted. He read a resolution to re-Board was devoted. He read a resolution to reunire heads of departments to write on the face
of every requisition whether the Board of Apportionment has made an appropriation for
what they ask. He intended, he said, to offer
the resolution, because he thought that some
means should be taken to protect innocent
creditors. He would, however, not press it, because the Mayor thought that the Board had no
jurisdiction in such cases.

"My objection to the resolution." Mayor
Cooper said, "is that I don't wish to recognize
any department's right to incur liability when
there is no appropriation. Departments should
be held responsible for such violations of law."

President Mott said that departments had incurred liability after the exhaustion of their
appropriation.

opriation.

pptroller Kelly replied: "The Finance principler and have no knowledge of what the configuration are doing. They may materials and contract for work without heads of departments are doing. They may buy materials and contract for work without the creditors' knowing that there is no appropriation to pay them. The Comptroller can have no knowledge of these facts. The county officers are in a different position. The Sheriff's charges, for instance, are fixed by law. We must pay his bills when they are presented, if we have the money. As a matter of economy, we have allowed him \$30,000 when he has asked for \$40,000. The appropriation for this purpose will be exhausted in nine months, and at the end of the year \$9,000 or \$10,000 will be due him. His remedy is in the courts. The Corporation Counsel says that we have no defence, and the Sheriff recovers his judgment. To save money to the city, the Board last year made an appropriation for judgments and claims. The word 'claims' was added to meet such cases as this. We take good care not to pay departments any sum not authorized by law."

"Then you have no knowledge in the Finance Department that any department has incurred expenses in excess of its appropriation?" the

spartment that any asparance, penses in excess of its appropriation?" the ayer inquired, and Mr. Kelly replied that he new of no such case. Thereupon the Mayor said that the transfer

om one account to another for 1878, ask e Park Department at the Board's last g, would not have been applied for u at department had spent the money a lated for the purpose for which more n s asked.

The Comptroller replied that the Board had no actual knowledge of such excess of expendiure. The Board was not to suppose that the lability for which the transfer was asked had seen incurred. The Mayor reiterated that it was plain that the department had exceeded its uppropriation. He added that if any transfer were asked for by the county officers, they too seen incurred.

heuld be applied for before the liability had seen incurred.
Applications from the Park Department for 5,000 for surveys of a suspension bridge over the Harlem River, and from the Corporation loansel for money to pay the expense of the Pinckney trial were referred to the Comptroller. Before the Board adjourned Comptroller Kelly presented a statement of the judgments recovered against the city in 1878 remaining mapaid on Jan. 1, 1879, and certified by the Corporation Counsel to the Finance Department as its and to be paid by the city. These judgments agaregate \$254.609.25. Among them are 1 judgment of L. S. Stockwell for the rent of an irrory of \$18.497.97; judgments of \$22.641.68 and \$7.116.39 recovered respectively by Hugh J. Hastings and William Cauldwell for adversing, and William C. Conner's judgment for 128.414.72, balance due for Sheriff's fees. Warants for all, except ten of these judgments, nave been signed by Comptroller Kelly, and low await Mayor Cooper's signature. Appeals may be taken from some of them.

# MARSHAL PAYN'S APPOINTMENTS.

Complaining that Some of Them, Made for

Ex-United States District Attorney Bliss has written a letter to District Attorney Woodford, complaining of irregularities in the appointments made by Marshal Payn at the late ection. He alleges that a number of Custom House employees were appointed Deputy Marshals; that Post Office employees neglected their duties to assist in the election; that country friends of Marshal Payn were given positions on election day; that some were overpaid, and many things done contrary to law. In reply to these charges, it is averred that Mr. Biss is actuated simply by a desire to annoy Mr. Barney Biglin. In whose district most of the alleged irregular appointments were made. Assistant District Attorney Fiero, to whom the complaint has been referred, said yesterday that a few men had, he believed, drawn money for services they had not rendered. He had inspected Marshal Payn's books, and found them carefully kept, so far as he could see, in compliance with the law. He has required Mr. Bliss to make affidavits in support of his charges, among which is an allegation that John Kelly paid three men for five days' services as Inspectors of Election, and that they had drawn money for services as Deputy Marshals on the same occasion.

Postmaster James said that charges were under investigation against Timothy Keefe, a carrier, and John N. Hamilton, a clerk in the main office, for neglecting their duties for the purpose of electioneering, and if the charges were true the men will be removed. shals; that Post Office employees neglected

# HUNTING FOR MR. DAVENPORT.

Some Marine Court Orders and the Affidavit of a Marine Court Officer. John I. Davenport has been evading obedi-

ice to orders of the Marine Court so long that at last a arrant for his arrest has been sent forth. On the 17th April last Eben Miller obtained a judgment against him r \$85.08, and execution thereon having been returned usatisfied. Mr. Davenport was ordered to appear in orf for examination in relation to his property order was made on the 5th of June, but nobody was able to serve it. The order was renewed and extended re-peatedly, and finally Mr. Davenport was served on the 2th of September, but on the 19th, the day on which h hould have made his appearance, he was still invisible hereupon an order was made requiring him to show why he should not be punished for contempt. Then he appeared in the court room, but the argument on the motion to unish was adjourned from time to time until the 6th instant. Then he main failed to appear, and an th instant. Then he again failed to appear, and an was made for an attachment for his arrest, with fixed at \$1,000. The attachment was given to the

eriff vesteriay?

John W Mona's affidavit sets forth the difficulties hecountered in his efforts to serve the papers alon. My verport. He swears that between Jone's and Sept. I called more than saxly times at the offices occuried. Davenport in the Post office building as shork of the remissioner, and Chief St. to commissioner, and Chief St. 

# The Vanderbilt Will Case.

The motion to have Wm. H. Vanderbilt and his coexecutors removed from the control of the Vander hit estate was before Surrogate Calvin yesterday morn Mr. Clinton raised preliminary objections surrogate has no power in such a case to remove the ex-ceutors, and that the facts set forth in C. J. Vanderbilt's petition do not show sufficient cause for the assertior that the interests of the estate were being jeopardized He reviewed in detail the various allegations of the pet-tion, and said that even if Mr. Vanderbilt was in deb-\$18,000,000, that did not show his insolvency. Mr. Lore said that the Surrogate had power, and that the charge, against Wm. H. Vanderbilt are sufficient to show that his is not a fit person to manage the estate. The Surrogate reserved his decision.

#### Horrible Misprint. From the Harvard Lampson

How to Make Homes Happy."

By Mr. HENRY WARD BENCHER.

"All Around the House;

SOUTHERN WAR CLAIMS. Senator Hill Against any Payment to Either Loyal or Bisloyal Persons.

WASHINGTON, Jan. 27 .- In the Senate today Mr. Hill (Dem., Ga.), speaking against the bill to pay to Warren Mitchell \$128,692.22 for cotton captured by Union troops at Savannah in the war, said that he was opposed to the pay- shared in the management. The play was mout of all war claims. To pay these war put upon the stage with a great deal of claims would bankrupt the Government, and, as we could not pay all, it would be an unjust discrimination to undertake to pay some. ators on the Republican side said Warren Mitchell was disloyal and should not be paid, and Senators on the Democratic side said he was loyal and should be paid. What was meant by the word "loyalty?" Did it mean a man devoted to the States under the Constitution? It

was loyal and should be paid. What was meant by the word "loyalty?" Did it mean a man devoted to the States under the Constitution? It was an easy matter for a man in Maine or New York to procision his devotion to the Union in the war, but further down, where the sun is warmer, it required courage for a man to say he was devoted to the Union. He (Mr. Hill) Knew thousands and tens of thousands of men in the South who proclaimed their fidelity to the Union to the very last moment. There were many men who fought secession until it became a fact, and submitted to disunion as they submitted to the death of a father or a son. When secession came the only thing they could do was to go with their people. This question of loyalty had not received a proper definition. He knew thousands of men in the South who would at any time during the war have terminated it upon a basis of honest reunion. He believed the greatest possible calanity which could happen to this country would be one section exercising the powers of a conqueror over another. Since he had been in Congress he had heard men denounce Southern people as disloyalthirten years after the war, and he believed in his heart if those men had been South they would have rivalled William L. Yancey in their devotion to secession.

The people of this country ought to wake up to the conviction that the late war was an honest war. It was a war fought on account of the conviction that the late war was an honest war. It was a war fought on account of the conviction that the late war was an honest war. It was a war fought on account of the conviction that the late war was an honest war. It was a war fought on account of the conviction that the late war was an honest war. It was a war fought on account of the social war, it was a war fought on account of the people desire to avaid such losses in future. The people of the South was southern soldier would not come from a magnanimous spirit. The war is over. The Union is restored, and it was time that we should do. The sooner the pe Democratic rule in this country.

#### SENATOR JAMES SHIELDS.

Sworn in by W. A. Wheeler - Mr. Wright Making a Lively Time in the House.

WASHINGTON, Jan. 27 .- William A. Wheeler aid before the Senate the credentials of Gen. James Shields, United States Senator elect to all the term made vacant by the death of Senator Bogy. Gen. Shields entered the Senate chamber soon afterward, and he was escorted the desk by his colleague. Senator Cockrell, and William A. Wheeler administered to him the oath of office. Soon afterward Gen. Shields voted "Aye," the yeas and nays having been ordered on motion to take up the Warren Mitchell cotton claims bill.

Mr. Conkling (Rep., N. Y.) introduced a bill for the erection in Brooklyn of a public building or use as a post office, United States courts, and revenue offices. It appropriates \$400,000 with which to begin work, and limits the cost of the structure to \$500,000.

The Senate passed the bill appropriating \$40,000 for a military post at El Paso; also the bill abolishing the volunteer navy of the United

States.

Mr. Edmunds, from the Judiciary Committee, reported a substitute for the House bill on the same subject. It proposes an amendment to the Constitution, prohibiting the payment of claims made by disloyal persons for property destroyed in the war of the rebellion.

PROCEEDINGS IN THE HOUSE.

Mr. Fenn (Dem., Idaho) introduced a bill for an amendment to the Constitution providing that the term of the Judges of Supreme and inferior courts shall be limited to tweive years.

Mr. Wright (Dem., Pa.) delivered a long speech in favor of his bill for the Government to lend \$500 to any person desiring to take advantage of the Homestead act. He said that if the workingman were not given fair play bevantage of the Homestead act. He said that if the workingman were not given fair play, before five years he would get fair play, and Congress would not be able to stop him. Honest labor should be rewarded, and this bill helped to do it. He wanted to help the honest man to work, not put him behind prison bars. Congress gave appropriations to the Indians, the army, the navy, why not to the noor man?

Mr. Eden (Dem., Ill.) asked Mr. Wright whether he had examined the constitutional question.

whether he had examined the constitutional question.

"No, sir," Mr. Wright replied with great warmth of menner. "I propose to talk about labor, not about the Constitution. I got up here to talk about bread, and poverty, and hunger, and want, and famine. If the Constitution comes in contact with them, it must stand aside. (Laughter.) It must get out of the way."

The Speaker's hammer fell, and Mr. Wright was informed that his time had expired.

Mr. White (Rep., Pa.) asked unanimous consent that Mr. Wright's time should be extended.

Mr. Townsend (Rep., N. Y.) objected.

The objection was angrily resented by Mr. Wright, who, approaching Mr. Townsend, declared that did him good to hear Mr. Townsend object.

clared that did him good to hear Mr. Townsend object.

On motion of Mr. Ewing (Dem., Ohio), permission was granted to members to have their intended speeches on the subject printed in the record, and a like permission was granted to Mr. Wright to extend his remarks.

The bill was rejected—Yens, 22: nays, 212.

Mr. Whithorne (Dem., Tenn.) moved to suspend the rules and pass the bill appropriating for Custom House, Augusta, Ga., \$100,000: Court House, Cyford, Miss., \$50,000: Court House, Key West, Fla., \$100,000; Court House, Key West, Fla., \$100,000; Court House, Key West, Fla., \$100,000; Court House, La Crosse, Wis., \$65,000; Court House at Eric, Pa., \$150,000; Court House at Greensboro, N. C., \$50,000; Court House at Greensboro, N. C., \$50,000; Mr. Mills (Dem., Tex.) inquired why there was not an appropriation for a building in Texas, and he moved to adjourn. Agreed to was not an appropriation for a building it Texas, and he moved to adjourn. Agreed to-Yeas, 153; nays, 81.

# CORTLANDT SCHUYLER'S BIBLE.

Containing Records of a Conspicuous Family for More than 100 Years.

On a small table in the front room in the second story at 268 Grand street, on Saturday evening, rested a large, dust-covered and much-prized Bible, with strong brass clasps and leather lids an inch thick. It was a family Bible of the Schuylers, who were conspicuous citizens of this State in the colonial and revolutionary periods. It bore date 1741, and was quaintly printed in Dutch. It was the property of Mr. Cortlandt Schuyler, who died on Wednesday last and was buried on Saturday in Greenwood Cemetery. It contains the family records of the Schuylers, the Ten Eycks, and the Van Rensselaers, from whom Mr. Schuyler was descended. The earlier records are written in Dutch. One entry reads: "Major-Gen. Philip Schuyler, born at Albany, Nov. 22, 1733. Died Nov. 18, 1804."

Mr. Cortlandt Schuyler was a direct descendant of the Revolutionary warrior, and his widow said that he was nearly the last. He was born in Troy in 1820, and was one of the builders of the Northern Railroad, which runs out of Albany. He was the grandson of Col. John I. Schuyler and a cousin of Gen. Stephen Van Rensselaer, the young Patroon. His father and the Patroon were named after each other. His father was Stephen Van Rensselaer Schuyler, and the Patroon was Stephen Schuyler Van Rensselaer. Mr. Schuyler was a produce merchant in this city for several years, but failing in health he had to retire from business. contains the family records of the Schuylers, the

# Miners Demanding their Pay.

PHILADELPHIA, Jan. 27.- The miners in the nploy of the Philadelphia and Reading Railroad Com-any have forwarded to President Gowen an address adopted at a meeting of the selegates representing the collery employees, miners, and laborers of Schuylkii County, held at Pottsville on the 14th inst. They demand the payment of their wages in lawful money of the Printed States, and threaten that if such payment is no made on or before Feb. 16 they will refuse to worst thereafter.

Beath of Dr. Linderman.

WASHINGTON, Jan. 27.-Dr. Linderman, Director of the Mint, died this afternoon. A Trusty Cure for Colds.

Jayne's Expectorant.—Ade.

A Pope's Edict, scaled, is a Bull. Don't mistake that for Dr. Bull's Cough Syrup.—Ade.

AMUSEMENTS.

"King Lear" at the Broadway Theatre Mr. George Edgar, an actor new to New York, and not preceded hither by any provinial or foreign reputation, appeared as King Lear last evening at the Broadway Theatre, of which establishment he has for some time taste and effectiveness, the scenery was good, and the accessories in proper keeping, and the distribution of the various characters was such as to secure a fair representation. Mr. Edgar's Lear afforded no very obvious explanation of his choice of that part in which to make his first appearance here. It is not a particularly thankful task to the ablest artist, and it is also a character which is seen and appreciated all the better if one has had previous knowledge of the artist who undertakes it and has learned certain of his qualities that should lend one to attribute to him special fitness for it. It is not difficult, for instance, to recall an actor that one could have wished to see as Lear, although he never played it, and it was alion to his tongue, simply because his broad and comprehensive virility and his forceful habit suggested what possibilities the past contained for him. Mr. Edgar gives an intellectual and thoroughly conscientious reading of Lear. He has made a close and intelligent study of it. He knews what others have done in it, and he has also the courage of his own opinions and convictions, if the art by whose aid he would express them is limited. There is a great deal in his Lear to admireperhaps as much as anything else the sincerity, directness, and confidence with which it is undertaken. Nevertheloss, it is wanting in the strength and power, the depth and the variety and the vivid transitions and contrasts that go to make up the sum of the character of King Lear. It is impossible not to respect Mr. Edgar's performance of it, nor should one be unmindful that it is his first appearance in it here, and possibly under conditions calculated to discompose or disturb, it does not convey the idea that the resources of his art are other than narrow, or that he can give to such roles the depth, thoughtfulness, and variety of expression that are inseparable from any true or artistic interpretation of them. distribution of the various characters was such as to secure a fair representation. Mr. Edgar's

#### The "Danites" at Booth's Theatre.

Two years ago McKee Rankin put several dramatists at work on a mass of material that he had bought of Joaquin Miller, and from it a play called "The Panites" was constructed. Less than half of Miller's work was used, and an act-that devoted to the farcical and very funny arrival and reception of the schoolmis tress in the mining camp-was made of a sketch by John Habberton in the Chimney Corner. Rankin desired to get a strong melodrama of Rankin desired to get a strong melodrama of life in the '49 period of California, with Miller's style of composition in it, and, what was of equal importance, Miller's name attached to it; but after "The Danites" was ready for the stage his heart almost tailed him, for who can tell what will please the public? He arranged to try the piece on Milwaukee, so that if it failed it might go out of sight quietly, but afterward gained courage, and brought it out at the Broadway Theatre in this city early in the fall of 1871. It was not taken immediately into favor by close critics, but it soon won a popularity that as yet shows no signs of diminishing. The audience at Booth's Theatre last evening was thrilled satisfactorily by the sorrows and adventures of Billy Piper, and the many relieving comicalities of the piece raised the usual amount of laughter. McKee Rankin is an uneven actor, being excellent in almost everything that he does carefully, but slighting his work when he is careless. On this occasion his Sandy showed that in playing the part two seasons he had not grown tired of it, but had rather filled our and rounded the characteristics of the rough, brave, and tender-hearted miner. Mrs. Rankin as hough tired of it by reputition; and Aldrich's Parson and Parsons and Bully Piper did not act as though tired of it by reputition; and Aldrich's Parson and Parsioe's Chimaman were welcomed familiarly. The Sierra Mountain scenery was worthy of praise. life in the '49 period of California, with Miller's

#### worthy of praise. "Unknown" at the Globe.

John A. Stevens has dramatized a nightmare, and the result, entitled "Unknown," is being acted at the Globe Theatre. The play is a success in the financial direction, for the houses have been large; and it is in no respect as bad as possibly it might have been, when it is considered that the author made it for his own use as a star, and therefore had his own unhindered way about it. The character that he has fitted to himself is a sailor who is sane for fifteen minutes at the opening of the piece and for fifteen minutes more at the close; but during the rest of the five acts is a raving maniac. He is all the while in search of his sister, who is hotly pursued by villains—a particularly fiendish pair, who, in their surpassing wickedness, at length take to pursuing each other. Before falling out, however, they drug the maniac's sister, put her into a tomb, and hire a mason to wall her up; but of course the maniac wanders into the graveyard just in time to rescue her. That is one of the milder incidents of the play, which abounds in things that made the audience not only stamp their feet and clap their hands, but shout with all their concerted might. When the maniac brained one of the villains, shouldered the inanimate form of his basely pursued sister, flung her across his shoulder, and bounded up an incline at the made it for his own use as a star, and therefore basely pursued sister, flung her across his shoulder, and bounded up an incline at the back of the stage like the untamed steed in "Mazeppa," a large part of the assembly stood up and yelled with delight. It should not be inferred that "Unknown" is incoherent. On the contrary, its story is straightforward and easily understood. The meanest comprehension is not left in doubt as to who are the villans, the sentimental lovers, the funny men, and so on. The motives are very apparent, too, and the language is all of unmistakable and so on. The motives are very application, and the language is all of unmistakable

# BOUCICAULT'S DISCOVERY.

Nearly a Counterpart of the Actor. Montague, in Montague's Best Character Mr. Henry J. Montague made his first suc

cess in this city at Wallack's Theatre as Capt. Molineux, in "The Shaughraun." The charcacter was shaped expressly to suit him by Mr. Boucicault, who knew how charming the effeminate but handsome actor would be to the women as a British officer and lover. Mr. Boucicault who had discovered Montague in a London amateur theatrical society, employed him as secretary, put him on the stage, and finally induced him to come to this coun

ployed him as secretary, put him on the stage, and finally induced him to come to this country. And Mr. Boucicault made no mistake in adapting Capt. Molineax to Montague's capacities, the young actor's popularity in the part being remarkable.

Mr. A. C. Daere, a young man evidently new to the stage, played a minor part in "Double Marriage," under Mrs. Kate Claxton's management at the Lyceum. Mr. Boucicault saw the performance one evening, and wae instantly struck by Daere's close resemblance to Montague in looks, voice, and manner. At that time Mr. Boucicault was arranging for the engagement he is now filling at the Grand Opera House. He at once hired Daere, and put him in training for Capt. Molinear. On the opening night of "The Shaughraun," hundreds in the crowded audience were astonished by his startlingly close resemblance of Montague. The familiar face, figure, gait, attitudes, and, above all, the drawling tone of voice, were reproduced with wonderful closeness. The only lack for a nearly perfect liken as was entire case of manner, such as Montague displayed in a marked degree, and which Daere was yet too much of a novice to have acquired. The memory of Montague in the same part was so fresh with a large part of the audiences that, during the three weeks' run of the play, the similarity was a subject of general remark.

It is said that a new play by Mr. Boucicault is to be produced soon at Wallack's, and that Mr. Daere will have a conspicuous part in it.

# Organizing the Life Saving Corps.

There was a meeting of the subscribers to the fund for the maintenance of the New York Volunteer Life Saving Corps Service at the Maritime Exchange, yester ovide that the association of subscribers shall be lown as the New York Volunteer Life Saving Society

Not a Devourer of Hard Eggs. TO THE EDITOR OF THE SUN-Sor: Having ead in to-day's Sus that I am the champion hand bailed accepter. I wish you would have it sorrected as it is age.

#### BROOKLYN, Jan. 26. The Cheyenne Massacre.

From the Boston Post. Better a cave in the mountains stern,
A home in the swamp's morass's,
Where herds or boffalo never turn
And toot of the deer ne'er passes;
Better a death on the open plains
Than life made weary by dungeon and chains.

Out of the fort, in the cold, gray dawn,
They rush for the torest cover:
The steeds are mounted, the salves drawn,
And their dream of hie is ever;
For Murder rides on arrays horse,
And it writes its brand on each Cheyenne corse.

Fraud in high places; honor in few;
The crume is the sio's upheaval;
Pois an will come to the surface ane w
And evil begets but evil;
Words of hypocrisy may conceal,
But they cannot remove the sores nor heal.